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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 **-oOo-**

9 UNITED STATES OF AMERICA,

Case No: 2:18-mj-836-CWH

10 Plaintiff,

11 vs.
12 JIMMY CARTER KIM,
13 Defendant.

Stipulation to Continue the
Preliminary Hearing
(*First Request*)

14 IT IS HEREBY STIPULATED AND AGREED, by and between DAYLE
15 ELIESON, United States Attorney, and ELHAM ROOHANI, Assistant United States
16 Attorney, counsel for the United States of America, and REBECCA LEVY, counsel for
17 Defendant JIMMY CARTER KIM, that the preliminary hearing date in the above-
18 captioned matter, currently scheduled for October 12, 2018, at 4:00 p.m., be vacated
19 and continued for forty-five (45) days, to a date and time to be set by this Honorable
20 Court.

21 This stipulation is entered into for the following reasons:

22 1. Defense counsel needs additional time to review the discovery, investigate
23 possible defenses to the allegations, and discuss the case with the defendant to

1 determine how he wishes to proceed with the case. Defense counsel also needs
2 time to confer with the Defendant KIM's state defense counsel regarding the
3 implications the federal case has on the pending state matters.

4 2. The parties agree to the continuance.
5 3. Defendant KIM is incarcerated but does not object to the continuance.
6 4. Additionally, denial of this request for continuance could result in a miscarriage
7 of justice.
8 5. The additional time requested herein is not sought for purposes of delay, but to
9 allow for an adequate opportunity to review the discovery.
10 6. The additional time requested by this stipulation, is allowed, with the
11 defendant's consent under the Federal Rules of Procedure 5.1(d).
12 7. This is the first request for a continuation of the preliminary hearing.

13 DATED this 9th day of October, 2018.

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15 Respectfully submitted,
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DAYLE ELIESON
United States Attorney

//s//

REBECCA LEVY, ESQ.
Counsel for Defendant
JIMMY CARTER KIM

//s//

ELHAM ROOHANI
Assistant United States Attorney

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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

6 **-oOo-**

7 UNITED STATES OF AMERICA,

Case No: 2:18-mj-836-CWH

8 Plaintiff,

ORDER

9 vs.

10 JIMMY CARTER KIM,

11 Defendant.

12 **ORDER**

13 Based on the pending Stipulation of counsel, and good cause appearing
14 therefore, the Court finds that:

15 1. Defense counsel needs additional time to review the discovery, investigate
16 possible defenses to the allegations, and discuss the case with the defendant to
17 determine how he wishes to proceed with the case. Defense counsel also needs
18 time to confer with the Defendant KIM's state defense counsel regarding the
19 implications the federal case has on the pending state matters.

20 2. The parties agree to the continuance.

21 3. Defendant KIM is incarcerated but does not object to the continuance.

22 4. Additionally, denial of this request for continuance could result in a miscarriage
23 of justice.

5. The additional time requested herein is not sought for purposes of delay, but to allow for a potential pre-indictment resolution of the case and adequate opportunity to review the discovery.

6. The additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).

7. This is the first request for a continuation of the preliminary hearing.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing date.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendants, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein to potentially resolve the case prior to indictment, and further would deny the parties sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the preliminary hearing, taking into account the exercise of due diligence.

The continuance sought herein is allowed, with the defendants' consent, pursuant to Federal Rules of Procedure 5.1(d).

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ORDER

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for October 12, 2018, at the hour of 4:00 pm, be vacated and continued to November 30, 2018 at the hour of 4:00 p.m.

DATED 11 day of October, 2018.

THE HONORABLE CARL W. HOFFMAN
UNITED STATES MAGISTRATE JUDGE